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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,139	11/22/2000	Richard Sutton Cherry	08046-1-0020	2267

26135 7590 02/12/2004

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EXAMINER

NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

1. This Office Action is the answer to the communication received on 11/07/2002 (the change of address); which paper has been placed of record.
2. Claims 1-31 are pending in this application.

Drawings

3. The drawings were received on 11/22/2000. These drawings are as formal drawings (21 Figures), and they are acceptable for examining purposes.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall **contain a written description** of the invention, and of the manner and process of making and using it, in such **full, clear, concise, and exact terms** as **to enable any person skilled in the art** to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 23-25, 31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. These claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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A. As to Claim 1: It claims:

- "providing means through software programming for said retail members to offer one or more products for sale...".
- "providing means through software programming for said consumer members to purchase products offered for ...".
- "providing means through software programming for said buyer members to be notified of purchases made by ...".

Above "means through software programming ..." are not explained in the application.

B. As to Claims 23-25: They claim:

- "providing means through software programming for said consumer members ...".

Above "means through software programming ..." are not explained in the application.

C. As to Claim 31: It claims:

- "providing means through software programming for said retail members
- "providing means through software programming for said consumer members

Those "means through software programming ..." are not explained in the application.

o Claims 1-31 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a

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method for implementing a product purchase, does not reasonably provide enablement for claimed "means through software programming". The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to practice the invention commensurate in scope with these claims (the dependent claims of independent claim 1), are also rejected on 35 USC 112, 1st para. because they include above rejected rationale/limitation of independent claim 1).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Dependent claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- It is dependent on itself.

Conclusion

6. The attached prior art made of record and not relied upon is related to applicant's disclosure.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 703-305-4553. The examiner can normally be reached on 7 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A. Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Cuong H. Nguyen

CUONG H. NGUYEN
Primary Examiner
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